

ESTTA Tracking number: **ESTTA339488**Filing date: **03/29/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Steven Westlake		
Entity	Individual	Citizenship	UNITED STATES
Address	PO Box 372 Binghamton, NY 13902 UNITED STATES		

Correspondence information	Steven Westlake PO Box 372 Binghamton, NY 13902 UNITED STATES saw@policegazette.us
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Registration Subject to Cancellation

Registration No	3662484	Registration date	08/04/2009
Registrant	Edgar Alexander Barrera 22159 Ladera Street Grand Terrace, CA 92313 UNITED STATES		

Goods/Services Subject to Cancellation


Class 016. First Use: 1977/01/02 First Use In Commerce: 1977/01/02 All goods and services in the class are cancelled, namely: Magazines in the field of current events and sports
Class 041. First Use: 1977/01/02 First Use In Commerce: 1977/01/02 All goods and services in the class are cancelled, namely: Publication of magazines; Newspaper publication; Newspaper publishing

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	Providing information in the field of current events and sports via the Internet Providing consumer product information via the Internet Educational research services via internet

Attachments	Westlake_NPG_Logo.jpg Westlake_Petition_1.pdf (1 page)(671275 bytes) Westlake_Petition_2.pdf (1 page)(680583 bytes) Westlake_A_TOC.pdf (1 page)(826684 bytes) Westlake_A1.pdf (1 page)(797749 bytes) Westlake_A2.pdf (1 page)(601035 bytes) Westlake_A3.pdf (1 page)(827646 bytes) Westlake_A4.pdf (1 page)(2332773 bytes) Westlake_A5.pdf (1 page)(3132488 bytes) Westlake_A6.pdf (1 page)(696529 bytes) Westlake_A7.pdf (1 page)(968093 bytes) Westlake_A8.pdf (1 page)(796310 bytes) Westlake_A9.pdf (1 page)(585215 bytes) Westlake_B_TOC.pdf (1 page)(466894 bytes) Westlake_B1.pdf (1 page)(757295 bytes) Westlake_B2.pdf (1 page)(1108431 bytes) Westlake_B3.pdf (1 page)(1096478 bytes) Westlake_B4.pdf (1 page)(804798 bytes) Westlake_B5.pdf (1 page)(483350 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/steven westlake/
Name	Steven Westlake
Date	03/29/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 3662484

For the mark The National Police Gazette The Leading Illustrated Sporting Journal in America

Date registered August 4, 2009

Steven Westlake

v.

Edgar Alexander Barrera

PETITION TO CANCEL

Petitioner:

Steven Westlake

dba William A. Mays, National Police Gazette

PO Box 372

Binghamton, NY 13902

To the best of petitioner's knowledge, the name and address of the current owner of the registration are Edgar Alexander Barrera, 22159 Ladera Street, Grand Terrace, California 92313

The above-identified petitioner believes that he will be damaged by the above-identified registration, and hereby petitions to cancel same.

The grounds for cancellation are as follows:

I. The dates given in the registration for first use and first use in commerce are misrepresented. A magazine under this trademark has not been published since January 2, 1977. (See Exhibit A.)

II. Petitioner's website, www.policegazette.us, went live on April 8, 2007. (See Exhibit

B.) The word mark and logo design claimed by registrant are an exact match of the ones petitioner published on every page of petitioner's website and designated with the symbol "TM" on April 8, 2007. The website has published continuously since that date, and has appeared on the first page of search-engine results, making it easy to find for anyone interested in the Police Gazette. Registrant first filed nine and one-half months after petitioner's website went live.

III. The registration is damaging to petitioner and his business due to the confusion that will be caused in the public's mind. Petitioner publishes new articles, illustrations, and other materials on petitioner's website under the word mark and design depicted in the registration; petitioner provides a research service under this word mark and design for those wishing to research the original National Police Gazette; and petitioner sells merchandise, including but not limited to posters, calendars, clothing articles, and dishware, that all feature the word mark and design. The public must have a clear understanding of who to turn to in matters concerning this trademark.

By Steven Westlake Date 3-29-10

Steven Westlake, petitioner

Exhibit A

Table of Contents

- 1.....WorldCat search for National Police Gazette showing the publication's run from 1845 to 1977
- 2.....WorldCat search for National Police Gazette restricted to years 1977 to 2010, showing no results in category "Journal/Magazine/Newspaper"
- 3.....Ulrich's Periodicals Directory 2009 showing no entries for either "National Police Gazette" or "Police Gazette"
- 6.....Ulrichsweb.com search on keyword "police gazette" showing no pertinent results
- 7.....United States Copyright Office letter describing results of search that shows most recent registration for a serial publication named National Police Gazette was October 1969
- 9.....United States Copyright Office online search showing no results for "National Police Gazette"

Additionally, numerous online Google searches over the past three-and-one-half years on the keyword "National Police Gazette" have produced no results indicating the existence of a magazine or newspaper by that name having been published between the years 1977 and 2009.

Note that the petitioner's website, www.policegazette.us, was first mentioned in the Wikipedia article concerning the National Police Gazette on November 21, 2007. This mention was removed March 12, 2010, by a user who claimed that the National Police Gazette had published continuously since 1977. Other Wikipedia editors disputed this claim and it was subsequently removed from the article, which can be found at http://en.wikipedia.org/wiki/Police_Gazette.

Home Search

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[Add tags](#)
[Write a review](#)
[Rate this item](#)

1

2

3

4

5

National police gazette

Publisher: [Rouses Point, N.Y. \[etc.\]. Police Gazette Pub. Co. \[etc.\]. 1945-1977](#)

Series: [\(American periodicals series, 1800-1850. Reel 1318-1340\). \(MN *ZZAN-15756\)](#)

Edition/Format: Journal, magazine : Periodical : Microfilm : Master microform : English

Rating: (not yet rated) [0 with reviews](#) · [Be the first](#)

More like this

Subjects

[Crime and criminals -- Periodicals](#)
[Sports -- Periodicals](#)

Similar Items

[Borrow / stream a copy](#)

Find a copy in the library

Details

Material Type: Periodical

Document Type: Journal / Magazine / Newspaper

OCLC Number: 17269553

Notes: Vol. 1, no. 1-4, originally issued Sept. 3-Oct. 4, 1845, is a reprint edition dated Oct. 18, 1845.

Description: 182 v. ill., ports. 29-42 cm.

Series Title: [\(American periodicals series, 1800-1850. Reel 1318-1340\). \(MN *ZZAN-15756\)](#)

Reviews

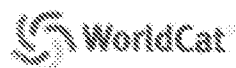
Tags

Similar Items

Related Subjects: (2)

[Crime and criminals -- Periodicals](#)
[Sports -- Periodicals](#)

User lists with this item (1)

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No results match your search for 'kw:"National Police Gazette"' > '1977..2010' > 'Journal / Magazine / Newspaper'.
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Enter a title, subject or author:

kw:"National Police Gazette"



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Online Services • International Organizations

US Newspapers and Indexes

8769-11458

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- Link to your serials resources and content with ulrichsweb.com

Complete result of search at Ulrichsweb.com on keyword "police gazette" March 24, 2010

Record 1 Marine Corps Gazette: the professional journal for United States Marines. United States. Marine Corps Association. ISSN: 0025-3170. Journal; Trade. Active. 1916.

Record 2 Police Service Gazette: organ for the Ulster Police Force. United Kingdom. Howard Publications. Newspaper; Consumer. Active. 1933.

Record 3 Royal Canadian Mounted Police. Gazette (Online). Canada. Royal Canadian Mounted Police. ISSN: 1910-3441. Magazine; Trade. Active. 2004.

Record 4 Royal Canadian Mounted Police. Gazette (Print). Canada. Royal Canadian Mounted Police. ISSN: 1196-6513. Magazine; Trade. Active. 1994.

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United States Copyright Office

Library of Congress - 101 Independence Avenue SE - Washington, DC 20540-6060 - www.copyright.gov

January 31, 2008

Steven Westlake

██████████
Binghamton, NY ██████████

Our reference: 2008800041

This refers to your request of recent date.

Our search in the appropriate Copyright Office indexes and catalogs that include works cataloged from 1955 through January 4, 2008 under the names Joseph Azaria; National Police Gazette Corporation; Police Gazette Publishing Company; Police Gazette Publishing Corporation; [H. H. Roswell]; and Harold Roswell and the title NATIONAL POLICE GAZETTE disclosed the following separate registration for a work identifiable as the most recent issue of a serial publication under these names and this specific title.

NATIONAL POLICE GAZETTE; Vol. 174, No. 10, October 1969.
Registered in the name of National Police Gazette Corp., under B 528496 following publication August 27, 1969.

Effective June 26, 1992 renewal is automatic for all works published or copyrighted between January 1, 1964, and December 31, 1977. For additional information see the enclosed Circular 15.

The following registrations are reported as of possible interest:

THE POLICE GAZETTE. Edited by Gene Smith & Jayne Barry Smith. Appl. authors: Gene Smith (introd.) (A 382644); H. H. Roswell (A 382645). Registered in the name of Gene Smith, under A 382644 following publication October 31, 1972. Copyright is claimed on introd.

Steven Westlake

-2-

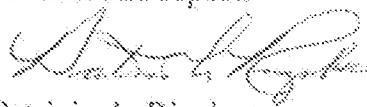
THE POLICE GAZETTE. Edited by Gene Smith & Jayne Barry Smith. Appl. authors: Gene Smith (introd.) (A 382644); H. H. Roswell (A 382645). Registered in the name of H. H. Roswell, under A 382645 following publication October 31, 1972. Copyright is claimed on foreword & compilation.

Our search in the Copyright Office indexes that include documents cataloged through January 4, 2008 under the names National Police Gazette Corporation; and Police Gazette Corporation and the title NATIONAL POLICE GAZETTE (October 1969 issue) disclosed no recordation of any document pertaining to this work.

The most recent address for the Police Gazette Publishing Corporation as shown in the records of this Office is reported as follows:

Police Gazette Publishing Corporation (1969)
535 Fifth Avenue
New York, NY 10017

Your credit card has been debited in the amounts of \$100.00 and \$200.00 totaling \$300.00 in payment of this search and report.



Patricia A. Rigsbee
Senior Copyright Research Specialist
Records Research & Certification Section

Enclosures:

Remitter's credit card receipts
Circulars 1, 14, 15, 15a

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Copyright

Search Records Results

Serials Database (Title Search)

Search For: NATIONAL POLICE GAZETTE

Check one or more terms, select the type of output display, and then click Submit:

- ☐ NATIONAL POETRY COMPETITION WINNERS (1 item)
- ☐ NATIONAL POINTS DIRECTORY (1 item)
- ☐ NATIONAL POLICE JOURNAL (1 item)
- ☐ NATIONAL POLICE UNION NEWS (2 items)
- ☐ NATIONAL POLICIES FOR OPTIMIZING VALIDITY I (1 item)
- ☐ NATIONAL POLICY IMPLICATIONS (1 item)
- ☐ NATIONAL POLICY PAPERS (3 items)
- ☐ NATIONAL POLITICAL SCIENCE REVIEW (2 items)
- ☐ NATIONAL POSTAGE STAMP ALBUM (3 items)
- ☐ NATIONAL POTATO COUNCIL (2 items)
- ☐ NATIONAL POTATO COUNCIL STATISTICAL YEARBOOK (1 item)
- ☐ NATIONAL POTATO COUNCIL'S ... POTATO STATIC (1 item)

Select type of output display:

- ☒ Brief (Summary) Display
- ☐ Full-Record Display

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U.S. Copyright Office
101 Independence Ave., S.E.
Washington, D.C. 20540-6000
(202) 707-3000

Exhibit B

Table of Contents

- 1.....Yahoo! order confirmation showing monthly Web hosting service for
www.policegazette.us established January 11, 2007
- 2.....Website file list of live website, printed August 17, 2007, showing several folders last
modified April 9, 2007, and several pages last modified in May 2007
- 3.....Website file list of live images showing several images last modified April 9, 2007,
including WebLogoTM.jpg
- 5.....Image designated WebLogoTM.jpg, showing the symbol "TM"

YAHOO! SMALL BUSINESS

Welcome, [REDACTED]

[Help](#)

Your order #87780247 has been submitted. Please print this page for your records.

We have sent an email confirming this order to [REDACTED]@yahoo.com

Special Offers

Get help promoting your new business with these offers:

- ☒ Email me about how to activate three free months of email marketing from [GOT](#).
- ☐ Send me information and special offers from Yahoo! Search Marketing about how to drive traffic to my web site.

Ready to start using your new plan?

[Get Started](#)

Your Order Summary

Date: 1/11/2007

Yahoo! ID: [REDACTED]

Domain Name: [policegazette.us](#)

Today's Charges

1. Monthly fee \$11.95/mo.

Total: ☒ \$11.95

Recurring Monthly Charges

Each month we'll automatically bill your credit card for these fees:

Web Hosting Starter \$11.95

Your Payment Information

Below you'll find your payment information, which you can view or change anytime on your [Billing Information page](#). Please note that we will charge this credit card each billing period until you cancel.

Payment information:

Card type: [REDACTED]
Card number: [REDACTED]
Expiration date: [REDACTED]
Express Checkout: Disabled

Note: Yahoo! takes credit card fraud seriously. Yahoo! may attempt to contact you to verify that you authorized the credit card charge associated with your order. If Yahoo! is unable to contact you, your service may be terminated and the domain name registration canceled. If your service is terminated, your credit card will not be charged.

[Get Started](#)

YAHOO! SMALL BUSINESS

Welcome, [REDACTED]

[\[Sign Out, Account Info\]](#) [Small Business Home - Yahoo!](#) - [Help](#)**policegazette.us: Web Hosting Starter**[Check Email](#)[Manage My Services](#) ▼**Web Hosting Control Panel**Quick Links: [Go](#)[Home](#)[Email](#)[Create & Update](#)[Manage](#)[Promote](#)[Help](#)[Index](#)[View My Site](#)[Create & Update](#) > [File Manager](#)**Web Addresses**[policegazette.us](#)

This directory is Public

Domain

☒ [Create HTML](#) | [PHP](#) | [Perl](#) | [Text](#) - ☐ [Create Subdirectory](#) - ☐ [Upload](#)[policegazette.us](#)List files: ☒ [html](#) ☒ [gif](#) ☒ [jpg](#) ☒ [other](#) - starting with [Refresh](#)Subdomains [\[Edit\]](#)[Copy](#)[Rename](#)[Move](#)[Move Copies](#)[Delete](#)

checked files

[Check All](#) - [Clear All](#)**MySQL Database**[Open database utilities](#)**Password Protect**[Open Password Manager](#)This directory is Public [\[Edit\]](#)**Site Statistics**[View reports](#)**Editor Quick Links**☐ [PageBuilder](#)☐ [PageWizards](#)☒ [HTML Editor](#)☒ [PHP Editor](#)☒ [Perl Editor](#)**More Information**[Home page help](#)[File Manager help](#)[PHP Functions](#)[FTP help](#)

Name

View
☐

Edit

Modified (GMT)

☐ [cliptart](#)☒ ☐[Apr 09 03:59am](#)☐ [images](#)☒ ☐[Aug 02 03:23am](#)☐ [navigation_bars](#)☒ ☐[Apr 09 04:01am](#)☐ [sitebuilder](#)☒ ☐[Apr 09 03:57am](#)☐ [tmp](#)☒ ☐[December 14, 2006](#)☒ ☐ [About.html](#)[View](#)☒[Aug 17 09:16pm](#)☒ ☐ [About_Fox.html](#)[View](#)☒[Aug 17 09:32pm](#)☐ ☐ [Beers.html](#)[View](#)☒[Jun 22 01:07am](#)☒ ☐ [CorrespondentNotes.html](#)[View](#)☒[Aug 17 09:11pm](#)☒ ☐ [EccentricTantrums.html](#)[View](#)☒[Jul 20 08:29pm](#)☒ ☐ [EccentricTantrums_4-8-2007_DrunkDriving.html](#)[View](#)☒[Aug 17 09:22pm](#)☒ ☐ [EccentricTantrums_4-8-2007_RealityTV.html](#)[View](#)☒[May 30 06:30pm](#)☒ ☐ [EccentricTantrums_4-8-2007_Women.html](#)[View](#)☒[May 30 06:30pm](#)☒ ☐ [EccentricTantrums_4-8-2007_Deserters.html](#)[View](#)☒[May 30 06:30pm](#)☒ ☐ [EccentricTantrums_6-8-2007_Falwell.html](#)[View](#)☒[Jun 09 08:08pm](#)☒ ☐ [EccentricTantrums_7-12-2007_China.html](#)[View](#)☒[Jul 12 11:52pm](#)☐ ☐ [ForTheCynical.html](#)[View](#)☒[May 19 02:40am](#)☒ ☐ [FromTheMorgue.html](#)[View](#)☒[Aug 17 08:44pm](#)

policegazette.us: Web Hosting Starter

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Web Hosting Control Panel

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Web Addresses

[policegazette.us](#) > [Images](#)This directory is Public [\[Edit\]](#)

Domain

[policegazette.us](#)[Create HTML](#) | [PHP](#) | [Perl](#) | [Text](#) - [Create Subdirectory](#) - [Upload Files](#)List files: ☒ html ☒ gif ☒ jpg ☒ other - starting with ANY[Refresh](#)Subdomains [\[Edit\]](#)[Copy](#)[Rename](#)[Move](#)[Move Copies](#)[Delete](#)

checked files

MySQL Database

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Open database utilities

Name

View

Edit

Modified (GMT)

Size

[Up one level](#)

Password Protect

Open Password Manager

This directory is Public [\[Edit\]](#)

Site Statistics

[View reports](#)

Editor Quick Links

[PageBuilder](#) [PageWizards](#) [HTML Editor](#) [PHP Editor](#) [Perl Editor](#)





















More Information

[Home page help](#)[File Manager help](#)[PHP Functions](#)[FTP help](#)

<input type="checkbox"/>	<input type="checkbox"/>	Name	View	Edit	Modified (GMT)	Size
<input type="checkbox"/>	<input type="checkbox"/>	1-12-1889_Smoker.jpg	View		Nov 01 11:18pm	107KB
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<input type="checkbox"/>	<input type="checkbox"/>	2-24-1883_illus1.jpg	View		Nov 01 11:19pm	289KB
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<input type="checkbox"/>	 WifeBeater.jpg	View	November 04, 2007	106KB
<input type="checkbox"/>	 WoodsSmithereens.jpg	View	Dec 18 08:25pm	337KB
<input type="checkbox"/>	 agnes-bruckner.jpg	View	April 09, 2007	33KB
<input type="checkbox"/>	 agnes bruckner 1.jpg	View	April 09, 2007	33KB
<input type="checkbox"/>	 beer.jpg	View	April 09, 2007	5KB
<input type="checkbox"/>	 carrie_mccandless1.jpg	View	November 04, 2007	5KB
<input type="checkbox"/>	 geisel-sandra-beth1.jpg	View	November 04, 2007	5KB
<input type="checkbox"/>	 index.html	View	<input checked="" type="checkbox"/> April 09, 2007	44KB
<input type="checkbox"/>	 lafave1.jpg	View	November 04, 2007	5KB
<input type="checkbox"/>	 pamelarogersturner1.jpg	View	November 04, 2007	9KB
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<input type="checkbox"/>	 tshirt_wht_RelEd.jpg	View	April 09, 2007	21KB
<input type="checkbox"/>	 tshirt_wht_front.jpg	View	April 09, 2007	24KB

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westlake, Petition to Cancel Reg. No. 3662484

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